

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the
District of SOUTH DAKOTA

Division

Jason Ray Clark

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Zach and Sara Carter

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 23-cv-5057

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Jason Ray Clark

Street Address

7236 S. Ireland Circle

City and County

Centennial Arapahoe

State and Zip Code

CO 80016

Telephone Number

720. 255. 5711

E-mail Address

jason@clarkbrothersinvestments.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Zach Carter
Rancher
20242 US Hwy 85
Spearfish Lawrence
SD 57783
605.645.4776
speardog986@gmail.com

Defendant No. 2

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Sara Carter
Home Maker
20242 US Hwy 85
Spearfish Lawrence
SD 57783
605.645.4776
speardog986@gmail.com

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☐

Federal question

☒

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Jason Ray Clark, is a citizen of the
State of (name) COLORADO.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) Zach and Sara Carter, is a citizen of
the State of (name) South Dakota. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$50,000,000. SEE Attached.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

SEE Attached.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

\$50,000,000. SEE Attached.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8/15/2023

Signature of Plaintiff

Printed Name of Plaintiff

Jason R. Clark
Jason Ray Clark

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

III. Statement of Claim. Defamation of Character by Zach & Sara Carter, citizens of the State of South Dakota, USA against Jason Ray Clark/Clark Brothers, Inc. dba Clark Brothers Investments/CBI.

On April 2, 2021, Charles Schwab & Co., Inc. removed Jason Ray Clark/CBI, a Registered Investment Advisor for Clark Brothers, Inc. dba Clark Brothers Investments, from the Schwab Investment Advisor platform because Schwab along with The Colorado Division of Securities and The Securities Exchange Commission “thought” Jason Ray Clark was “wiring money, writing checks, and dispersing monies FROM CUSTOMER ACCOUNTS.” The above false and defamatory statements were all started by the false, malicious, intentional misleading testimony of Zach and Sara Carter. None of the allegations against Jason Ray Clark/CBI turned out to be true. **FINDING OF FACT** FINRA Arbitration case #21-02439 09/22-23/2022 between Clark Brothers Investments v. Charles Schwab & Co., Inc. AND The Colorado Division of Securities v. Clark Brothers, Inc. dba Clark Brothers Investments and Jason Ray Clark case # XY 2022-0001 06/27-28/2023. Furthermore, this could not have occurred because Schwab’s own Power of Attorney only authorized Jason Ray Clark to make trades and deduct fees from customer accounts. Jason Clark/CBI have never had, and still do not have, any move money authority on any customer accounts. Zach Carter (and Sara Carter) knew this, signed this same Schwab LPOA, and testified to this **FINDING OF FACT** at the CDS Trial to revoke the securities licenses of Jason R. Clark and CBI dated July 5, 2023, over zoom. This singular false and defamatory accusation (and many other false and defamatory allegations including unauthorized trading, misleading and unethical behavior, and failure to keep informed) by Zach and Sara Carter as well as Schwab, CDS, and SEC caused a cataclysmic series of events that led to the virtual irreparable destruction of Jason Ray Clark’s business, clientele, and reputation. The culmination of which is the illegal, unfair, unreasonable, and completely unnecessary “proposed” revoking of the securities licenses of both Jason R. Clark and CBI in the State of Colorado. Prior to this bogus initial ruling by the CDS Jason R. Clark sued all the parties at guilt (case #1:23-cv-00191-CNS-SKC). These illegal actions and false and defamatory statements in written emails, voiced over the telephone to CDS, and told in deposition in administrative court in the state of Colorado by Zach Carter towards Jason Ray Clark are egregious, dishonest, unethical, illegal, and defamatory. These careless, negligent, and thus, defamatory actions by Zach Carter will never go away as these actions regardless of the outcome will always be

required disclosure on Jason Ray Clark's personal RIA FINRA license AND Clark Brothers, Inc. dba Clark Brothers Investments Financial Industry Regulatory Authority (FINRA) license.

IV. Relief. Monetary relief justification for Federal District Court state of South Dakota. Jason Ray Clark/CBI lost \$10,000,000 Assets Under Management due to Zach and Sara Carters (and other defendants in this case) egregious, negligent, malicious, and defamatory actions, remarks, and testimony. At 1% industry standard Asset Under Management fee and 20% annual returns = \$81,922,331 total revenue lost by Jason Ray Clark over business life cycle plus CBI business value lost at 3.5X revenue valuation (industry standard) = \$286,728,158. Total damages to Jason Ray Clark/CBI = \$368,650,490 X 3 Treble damages = \$1,110,595,147 X 20% Taxes = \$1,332,714,176. Apportioning blame amongst defendants equals a sum in the amount of \$50,000,000 for Zach and Sara Carter. Thus, the amount requested in relief from this court is \$50,000,000.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jason Ray Clark
(b) County of Residence of First Listed Plaintiff Arapahoe
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se

DEFENDANTS

Zach and Sara Carter
County of Residence of First Listed Defendant Lawrence
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

James S. Helfrich

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 424 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 425 Appeal 28 USC 158 <input type="checkbox"/> 426 Withdrawal 28 USC 157 <input type="checkbox"/> 427 Appeal 28 USC 158 <input type="checkbox"/> 428 Withdrawal 28 USC 157 <input type="checkbox"/> 429 Appeal 28 USC 158 <input type="checkbox"/> 430 Withdrawal 28 USC 157 <input type="checkbox"/> 431 Appeal 28 USC 158 <input type="checkbox"/> 432 Withdrawal 28 USC 157 <input type="checkbox"/> 433 Appeal 28 USC 158 <input type="checkbox"/> 434 Withdrawal 28 USC 157 <input type="checkbox"/> 435 Appeal 28 USC 158 <input type="checkbox"/> 436 Withdrawal 28 USC 157 <input type="checkbox"/> 437 Appeal 28 USC 158 <input type="checkbox"/> 438 Withdrawal 28 USC 157 <input type="checkbox"/> 439 Appeal 28 USC 158 <input type="checkbox"/> 440 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Appeal 28 USC 158 <input type="checkbox"/> 442 Withdrawal 28 USC 157 <input type="checkbox"/> 443 Appeal 28 USC 158 <input type="checkbox"/> 444 Withdrawal 28 USC 157 <input type="checkbox"/> 445 Appeal 28 USC 158 <input type="checkbox"/> 446 Withdrawal 28 USC 157 <input type="checkbox"/> 447 Appeal 28 USC 158 <input type="checkbox"/> 448 Withdrawal 28 USC 157 <input type="checkbox"/> 449 Appeal 28 USC 158 <input type="checkbox"/> 450 Withdrawal 28 USC 157 <input type="checkbox"/> 451 Appeal 28 USC 158 <input type="checkbox"/> 452 Withdrawal 28 USC 157 <input type="checkbox"/> 453 Appeal 28 USC 158 <input type="checkbox"/> 454 Withdrawal 28 USC 157 <input type="checkbox"/> 455 Appeal 28 USC 158 <input type="checkbox"/> 456 Withdrawal 28 USC 157 <input type="checkbox"/> 457 Appeal 28 USC 158 <input type="checkbox"/> 458 Withdrawal 28 USC 157 <input type="checkbox"/> 459 Appeal 28 USC 158 <input type="checkbox"/> 460 Withdrawal 28 USC 157 <input type="checkbox"/> 461 Appeal 28 USC 158 <input type="checkbox"/> 462 Withdrawal 28 USC 157 <input type="checkbox"/> 463 Appeal 28 USC 158 <input type="checkbox"/> 464 Withdrawal 28 USC 157 <input type="checkbox"/> 465 Appeal 28 USC 158 <input type="checkbox"/> 466 Withdrawal 28 USC 157 <input type="checkbox"/> 467 Appeal 28 USC 158 <input type="checkbox"/> 468 Withdrawal 28 USC 157 <input type="checkbox"/> 469 Appeal 28 USC 158 <input type="checkbox"/> 470 Withdrawal 28 USC 157 <input type="checkbox"/> 471 Appeal 28 USC 158 <input type="checkbox"/> 472 Withdrawal 28 USC 157 <input type="checkbox"/> 473 Appeal 28 USC 158 <input type="checkbox"/> 474 Withdrawal 28 USC 157 <input type="checkbox"/> 475 Appeal 28 USC 158 <input type="checkbox"/> 476 Withdrawal 28 USC 157 <input type="checkbox"/> 477 Appeal 28 USC 158 <input type="checkbox"/> 478 Withdrawal 28 USC 157 <input type="checkbox"/> 479 Appeal 28 USC 158 <input type="checkbox"/> 480 Withdrawal 28 USC 157 <input type="checkbox"/> 481 Appeal 28 USC 158 <input type="checkbox"/> 482 Withdrawal 28 USC 157 <input type="checkbox"/> 483 Appeal 28 USC 158 <input type="checkbox"/> 484 Withdrawal 28 USC 157 <input type="checkbox"/> 485 Appeal 28 USC 158 <input type="checkbox"/> 486 Withdrawal 28 USC 157 <input type="checkbox"/> 487 Appeal 28 USC 158 <input type="checkbox"/> 488 Withdrawal 28 USC 157 <input type="checkbox"/> 489 Appeal 28 USC 158 <input type="checkbox"/> 490 Withdrawal 28 USC 157 <input type="checkbox"/> 491 Appeal 28 USC 158 <input type="checkbox"/> 492 Withdrawal 28 USC 157 <input type="checkbox"/> 493 Appeal 28 USC 158 <input type="checkbox"/> 494 Withdrawal 28 USC 157 <input type="checkbox"/> 495 Appeal 28 USC 158 <input type="checkbox"/> 496 Withdrawal 28 USC 157 <input type="checkbox"/> 497 Appeal 28 USC 158 <input type="checkbox"/> 498 Withdrawal 28 USC 157 <input type="checkbox"/> 499 Appeal 28 USC 158 <input type="checkbox"/> 500 Withdrawal 28 USC 157	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause: Defamation of Character

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 50,000,000 CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

8/15/2023

SIGNATURE OF ATTORNEY OF RECORD

Jason R. Clark, Pro Se

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PHOENIX AZ 852

16 AUG 2023 PM 9 L



Clark Brothers Investments

19580 Victorian Drive

#306

Parker, CO 80138



US District Court, South Dakota
225 South Pierre Street
Pierre, SD 57501

57501-248399



